

**SECTION 112**  
**ESTABLISHMENT OF THE PLANNING AND ZONING COMMISSION**  
**AND**  
**BOARD OF ADJUSTMENTS AND APPEALS**

**I. THE PLANNING AND ZONING COMMISSION**

**A. Establishment:**

The Planning and Zoning Commission is established by Ordinance 87-A12 of the Town of Camp Verde.

**B. Membership:**

As stated in Article 4-1 and 2 of The Town Code.

**C. Meetings:**

As stated in Article 4-3 of The Town Code and the following:

1. Meetings of the Commission shall be open to the public, the minutes of its proceedings, showing the votes of each member and records of its determinations, recommendations and other official actions shall be kept and filed in the Community Development Department as a public record. The secretary of the Commission shall be a member of the Community Development Department staff.
2. At least four (4) members shall be present to conduct a meeting.
3. In the event a quorum of four (4) members are the total members present, then a unanimous vote must be cast to recommend approval or denial.
4. In the event an item voted on fails to receive the required number of votes for approval the item will be forwarded to the Council with a recommendation for denial. Nothing in this paragraph will prevent the Commission from continuing or tabling an item unless specifically directed by the Town Council to vote on an item pursuant to 5. below.
5. The Town Council, by majority vote, may compel the Planning and Zoning Commission to place an item on a specific agenda for a vote.

**D. Duties of the Planning and Zoning Commission shall be as stated in Article 4-4 of the Town Code and the following:**

1. Recommend action to the Town Council on requests for amendments to the Zoning Map and to the Zoning Ordinance, on requests for Use Permits, Subdivision Plat approvals and modification of the General Plan.
2. Initiate, hear and recommend action to the Town Council on amendments to the Zoning Map and to the Zoning Ordinance of the Town of Camp Verde.

3. Hear and make recommendations on other matters as directed by the Town Council.

## II. BOARD OF ADJUSTMENTS AND APPEALS

### A. Establishment:

The Board of Adjustments of the Town of Camp Verde, Arizona is hereby established by Ordinance 89-A33 of the Town of Camp Verde.

### B. Membership:

As stated in Article 4-1 and 2 of the Town Code and the following:

1. The members of the Board are appointed by the Town Council and Mayor. Such appointment to be for a period of three (3) years, except that in the event of the death or resignation of a member, the vacancy may be filled for the un-expired term.

### C. Procedures:

Meeting shall be held at the call of the Chair and at such times as the Board may determine. All meetings shall be open to the public and the order of business shall be as stated in Article 4-3 of the Town Code

### D. Functions:

As stated in Article 4-4 of the Town Code and as follows:

1. The Board shall hear and decide appeals from the decision of the Community Development Director who is the Zoning Administrator pursuant to (Ord. 95-A106) and ARS 9-462.05.
2. Appeals to the Board may be filed by persons aggrieved or by any officer, department, board or bureau of the Town affected by a decision of the Community Development Director, within a period of forty-five days by filing, in writing, with the Community Development Director and with the Board, a notice of appeal specifying the grounds thereof. The Community Development Director shall immediately transmit all records, pertaining to the action appealed from, to the Board.

### E. Powers and Duties (ARS 9-462.06):

1. Hear and decide appeals in which it is alleged there is an error in an order, requirement or decision made by the Zoning Administrator in the enforcement of the zoning ordinance.
2. Hear and decide appeals for variances from the terms of the zoning ordinance only if special circumstances applicable to the property including its size, shape, topography, location or surroundings. Or, if the strict application of the zoning ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district. Any variance granted is subject to such conditions as will assure that the adjustment authorized shall not constitute a granting of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.

3. In accordance with ARS 9-462.06.C, Reverse or affirm, wholly or partly, or modify the order, requirement, decision of the Community Development Director appealed from and make such order, requirement, decision or determination as necessary.
4. A variance from the Planning and Zoning Ordinance shall not be granted by the Board unless and until:
  - a. The property owner has filed a written appeal for variance with the Board through the Zoning Administrator and said appeal demonstrates:
    - 1) That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.
    - 2) That literal interpretation of the provisions of the zoning ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the zoning ordinance.
    - 3) That the alleged hardships caused by literal interpretation of the provisions of the zoning ordinance include more than personal inconvenience and financial hardship and do not result from actions that are self imposed or for economic gain by the applicant.
    - 4) That granting the variance requested will not confer upon the applicant any special privilege that is denied by the zoning ordinance to other lands, structures or buildings in the same district.
    - 5) That granting the variance requested will not interfere or injure the rights of other properties in the same district.
  - b. A public hearing has been held.
  - c. Notice of public hearing has been posted in accordance to ARS 9-462.04 on the property in question and at Town Hall and the owner and applicant or his agent have been notified by certified mail at least fifteen (15) days in advance.
  - d. The board finds that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of land, building or structure.
  - e. The Board finds that granting of the variance will be in harmony with the general purpose and intent of the zoning ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

**F. Hearings:**

The Board shall fix a reasonable time for the hearing of an appeal; give public notice thereof by publication in a newspaper of general circulation in accordance with ARS 9-462.04; as well as, due notice to the parties in

interest, and reach its decision within a reasonable time. At the hearing, any party may appear in person or by agent or attorney. Parties to an appeal shall have the right to present their case by oral or documentary evidence, to submit rebuttal evidence and to conduct such cross-examination of witnesses as may be required for a full and true disclosure of the facts; provided that:

1. The submission of documentary evidence shall not, by reason of its written form, prejudice the interest of any party.
2. The Board shall, as a matter of policy, provide for the exclusion of irrelevant, immaterial or unduly repetitious evidence and, in furtherance of this policy, may limit cross examination.
3. The chair shall have the power to administer oaths and take evidence in accordance with ARS 9-462.06.

**G. Stay of Proceedings:**

An appeal stays all proceedings in the matter appealed from, unless the Community Development Director verifies to the Board after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. Upon such certification, proceedings shall not be stayed other than by a restraining order granted by the Board or by a court of record on application and notice to the Community Development Director.

**H. Decision of the Board:**

In exercising its powers and duties, the Board may, so long as such action is in conformity with the terms of the zoning ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as the board deems necessary, and to that end shall have powers of the Community Development Director from whom the appeal is taken. The concurring vote of four members of the board shall be required for all decisions.

**I. Limitation of Board Powers (ARS 9-462.06)**

1. A Board of Adjustment **MAY NOT**:
  - a. Make any changes in the uses permitted in any zoning classification or zoning district, or make any changes in the terms of the zoning ordinance, provided the restriction in this paragraph shall not affect the authority to grant variances pursuant to this article.
  - b. Grant a variance if the special circumstances applicable to the property are self-imposed by the owner.
2. Every decision of the Board shall be based upon findings of fact and every finding of fact shall be supported by the record of its proceedings. The enumerated conditions required to exist on any matter upon which the board is authorized to pass under this article shall be construed as limitations on the power of the Board to act. A mere finding or recitation of the enumerated conditions,

unaccompanied by the findings of specific fact, shall not be deemed findings of fact and shall not be deemed in compliance with this article.

**J. Appeals From The Board:**

A person aggrieved by a decision of the Board, or a resident or municipal officer may, at any time within thirty days after the Board has rendered its decision, file a complaint in the Superior Court to review the decision. Filing of the complaint shall not stay proceedings upon the decision appealed from but the court may, on application, grant a stay, and on final hearing may reverse or affirm wholly or partly, or may modify the decision received.

**K. Fees:**

1. Upon filing an application or appeal, the applicant shall pay an application fee to the planning department in accordance with a schedule established by resolution of the Council and posted in the office of the zoning administrator, no part, of any such fee shall be returnable after an application is filed and such fee is paid.
2. In case of an application for a variance to more than one provision of the zoning ordinance, the filing fee shall be the total for all provisions as prescribed by the fee schedule.
3. Payment of the filing fee shall be waived when the appeal is made in behalf of or by the Town.